

REMARKS

By this amendment, minor amendments have been made to claims 2, 4, and 9. Claims 1-14 are currently under examination in the present application. For the reasons set forth below, Applicants submit that the present amendments and arguments place this application in condition for immediate allowance.

As an initial matter, priority has been established in this case as reflected in the US Patent issued to the parent application which is now U.S. Pat. No. 6,699,812.

In the Office Action dated April 29, 2008, the Examiner rejected claims 1-3, 5-7, and 9-14 under 35 U.S.C. §103(a) as being unpatentable over Grosch, *et al.* (DE 19623611) and in view of Sepulveda, *et al.* (US 4,613,427). Further, the Examiner has rejected claims 4 and 8 under 35 U.S.C. §103(a) as being unpatentable over Grosch, *et al.* in view of Sepulveda, *et al.*, and further in view of Balducci, *et al.* (US 5,965,476). In particular, the Examiner asserted that it would have been obvious to a person of ordinary skill in the art to include the pore forming substance of the Sepulveda reference in the blending mixture of the Grosch reference in order to produce an optimum pore volume and improve catalytic activity. For the reasons set forth below, Applicants respectfully traverse these rejections and request that they be withdrawn.

Contrary to the Examiner's assertions that it would have been obvious to combine the pore forming substance described in the Sepulveda reference to the solid catalyst disclosed in the Grosch reference in order to produce an optimum pore volume, it is not the case that a person of ordinary skill in the art would have considered using a pore forming material in the catalyst of the Grosch reference. While the Grosch reference describes a process for the preparation of epoxides from olefines and

hydrogen peroxide by using an oxidation catalyst, nowhere in the Grosch reference is there a teaching or suggestion regarding the use of a pore forming substance. In this regard, the Examiner has thus relied on the Sepulveda reference to supply the pore forming substance.

The Sepulveda reference, however, relates to a solid catalyst which is made from a natural clay, and which is acid lixiviated, washed, dried and mixed with a pore forming substance, extruded, and calcinated for use as extrudates of 1-3 mm in length. Further, the Sepulveda reference teaches the use of a pore forming substance in a quantity of 5-40 wt % with respect to the weight of the dry clay in order to produce "the optimum pore volume in the final catalyst." In this regard, however, the Sepulveda reference fails to specify what would be considered an optimum pore volume and, further, does not teach or suggest the use of a zeolithes catalyst or an epoxidation reaction. As such, a combination of the Grosch and Sepulveda reference fails to teach or suggest to one of ordinary skill in the art a process for the preparation of epoxides which includes a mixture comprising a titanium zeolite powder and a pore forming substance.

Even further, the Sepulveda reference does not teach or suggest producing a catalyst which can resist attrition and is in fact silent in this regard. It is the case that creating pores in a solid catalyst is often viewed by those skilled in the art as creating a sharp increase in the attrition rate as well as the creation of a fine powder, which is often undesirable as a fine powder is difficult to handle in the epoxidation process. As such, one of ordinary skill in the art would not have combined the Grosch reference with the Sepulveda reference as the introduction of a pore forming material into the catalyst of Grosch would be expected to have a significant affect on the attrition rate. Only using

impermissible hindsight, using the present disclosure as a blueprint, would there be any suggestion or motivation for the inclusion of a pore forming substance in a mixture such as that described and claimed in claim 1 of the present application.

Furthermore, it is also the case that the present application offers unexpected results and advantages not found in the prior art, including the references cited by the Examiner in the present Office Action. Specifically, as described in the attached Declaration under rule 132 of Michel Strebelle, which was filed in conjunction with parent applications U.S. Application Serial No. 09/555,149 and Serial No. 10/054,859, which is now U.S. Pat. No. 6,699,819, it was surprisingly found that the use of a pore-forming substance in the presently-disclosed mixture resulted in a catalyst with a much higher catalytic efficiency while still exhibiting resistance to attrition.

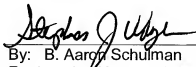
Accordingly, Applicants respectfully submit that the present invention is not rendered obvious by the cited references and that the claims of the present application are clearly patentable over those references. Applicants thus submit that the Examiner's rejection on the basis of those references is respectfully traversed and should be withdrawn.

In the Office Action, the Examiner further rejected claims 1-14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,699,812 in view of the Grosch, *et al.* reference. Without addressing the merits of this rejection, Applicants are submitting herewith a terminal disclaimer under 37 C.F.R. §1.321(c). As such, Applicants respectfully submit that the double patenting rejection has become moot and should be withdrawn.

In light of the amendments and arguments provided herewith, Applicants submit that the present application overcomes all prior rejections and objections, and has been placed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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